

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address  D. EDWARD HAYS, #162507 ehays@marshackhays.com LAILA MASUD, #311731 lmasud@marshackhays.com BRADFORD N. BARNHARDT, #328705 bbarnhardt@marshackhays.com MARSHACK HAYS LLP 870 Roosevelt Irvine, CA 92620 Telephone: (949) 333-7777 Facsimile: (949) 333-7778		FOR COURT USE ONLY  <div style="border: 1px solid black; padding: 10px; text-align: center;"> <p><b>FILED &amp; ENTERED</b></p> <p><b>FEB 17 2023</b></p> <p>CLERK U.S. BANKRUPTCY COURT Central District of California BY bolte DEPUTY CLERK</p> </div> <p><b>CHANGES MADE BY COURT</b></p>	
<input checked="" type="checkbox"/> <i>Attorney for Movant</i> <input type="checkbox"/> <i>Movant appearing without an attorney</i>			
<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA -<u>SANTA ANA</u> DIVISION</b>			
In re:   JAMIE LYNN GALLIAN,         <div style="text-align: right;">Debtor(s).</div>		CASE NO.: 8:21-bk-11710-SC  CHAPTER: 7	
		<b>ORDER GRANTING MOTION FOR RELIEF FROM STAY UNDER 11 U.S.C. § 362 (UNLAWFUL DETAINER)</b>	
		DATE: 02/01/2023 TIME: 10:00 am COURTROOM: 5C PLACE: 411 W. Fourth Street, Santa Ana, California	
<b>Movant:</b> Houser Bros. Co. dba Rancho Del Rey Mobile Home Estates			

1. The Motion was: ☒ Opposed ☐ Unopposed ☐ Settled by stipulation
2. This order applies to the following real property (Property):  
Type of property: ☒ Residential ☐ Nonresidential  
*Street Address: 16222 Monterey Lane*  
*Unit/Suite number: Space 376*  
*City, State, Zip Code: Huntington Beach, CA 92649*
3. The Motion is granted under:
- a. ☒ 11 U.S.C. § 362(d)(1)
- b. ☒ 11 U.S.C. § 362(d)(2)

- c. ☐ 11 U.S.C. § 362(d)(4). The filing of the bankruptcy petition was part of a scheme to hinder, delay, or defraud creditors that involved:
- (1) ☐ The transfer of all or part ownership of, or other interest in, the Property without the consent of the secured creditor or court approval; and/or
  - (2) ☐ Multiple bankruptcy cases affecting the Property.
  - (3) ☐ The court ☐ makes ☐ does not make ☐ cannot make a finding that the Debtor was involved in this scheme.
  - (4) If recorded in compliance with applicable state laws governing notices of interests or liens in real property, this order is binding in any other case under this title commenced by or against any debtor who claims any interest in the Property purporting to affect such real property filed not later than 2 years after the date of the entry of this order by the court, except that a debtor in a subsequent case under this title may move for relief from this order based upon changed circumstances or for good cause shown, after notice and a hearing. Any federal, state or local government unit that accepts notices of interests or liens in real property shall accept any certified copy of this order for indexing and recording.
4. ☐ As to Movant, its successors, transferees and assigns, the stay of 11 U.S.C. § 362(a) is:
- a. ☐ Terminated as to the Debtor and the Debtor's bankruptcy estate.
  - b. ☐ Modified or conditioned as set forth in Exhibit \_\_\_\_\_ to this order.
  - c. ☐ Annulled retroactive to the bankruptcy petition date. Any postpetition acts taken by or at the request of the Movant to enforce its remedies regarding the Property, including without limitation entry of any order, judgment or writ, do not constitute a violation of the stay.
5. ☒ Movant may enforce its remedies to obtain possession of the Property, including lockout, in accordance with applicable nonbankruptcy law, but may not pursue any monetary claim against the Debtor or property of the estate for amounts attributable to the period before the bankruptcy was filed except by filing a proof of claim pursuant to 11 U.S.C. § 501.
6. ☐ Movant shall not cause the Debtor to be locked out before (date) \_\_\_\_\_.
7. ☐ The co-debtor stay of 11 U.S.C. § 1201(a) or § 1301(a) is terminated, modified or annulled as to the co-debtor, on the same terms and conditions as to the Debtor.
8. ☒ The 14-day stay prescribed by FRBP 4001(a)(3) is waived.
9. This order is binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of the Bankruptcy Code.
10. ☐ This order is binding in any other bankruptcy case commenced by or against any debtor who claims any interest in the Property, or purporting to affect the Property filed not later than 2 years after the date of entry of this order, except that a debtor in a subsequent case may move for relief from this order based upon changed circumstances or for good cause shown, after notice and hearing.
11. ☐ This order is binding and effective in any bankruptcy commenced by or against the Debtor for a period of 180 days from the hearing of this Motion.
12. ☐ This order is binding and effective in *any* bankruptcy commenced by or against *any* debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion.
- a. ☐ without further notice.
  - b. ☐ upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.


13. ☐ A designated law enforcement officer may evict the Debtor and any other occupant from the Property regardless of any future bankruptcy case concerning the Property for a period of 180 days from the hearing of this Motion.
- a. ☐ without further notice.
- b. ☐ upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.
14. ☒ Other (*specify*): The motion is granted for the reasons set forth in the motion and reply and as set forth by the Court as stated on the record at the hearing, as well as by the Court on the record at the February 14, 2023 hearing in adversary proceeding 8:21-ap-01096, which resulted in the issuance of an order entered February 15, 2023, which, *inter alia*, bifurcated Movant's §523 and §727 claims to address any overlap with this motion.

Additionally, the Orange County Superior Court will not determine title/ownership of the Debtor's underlying mobile home and/or whether the Debtor's mobile home is property of the bankruptcy estate.

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4867-3602-7728, v. 1

Date: February 17, 2023

  
Scott C. Clarkson  
United States Bankruptcy Judge